G. R. S. IX-5]

Previous references. 1878-79

191 .

(Courts.)

Later references.

File No. 8.

Serial Nos. 1–3.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 – 3.

Part B for

SUBJECT.

Holidays to be observed by the Civil Courts in the Dist Co.

(Incomplete)

Judicial Dy.

W D 88—GPB—50,000—24-7-16

No. 3045
268

Mysore Jud. Commr's. Office
Bangalore 2d. Dec. 1878

From

L. D. Sandford Esqr.,
Judicial Commissioner
of Mysore.

To,

The Secretary to the
Chief Commissioner of
Mysore.

Sir,

The Chief Commissioner's Notification No. 24 J. dated 20th April 1871 grants to Judicial Assistant Commissioners the privilege of closing their Courts for 2 months in each year at any time from the 1st March to 1st June. The Notification No. 5657/943 dated 9th September 1876 extends the same privilege to Munsiffs, but the period of closing in their case is limited to six weeks.

2. Considering that the Civil Courts are closed for 88 days in the year, on account of Christian and

+ including Sundays

and Hindu holidays, I think that 2 months is a longer period of relaxation than there is any reason to grant, and too great an interruption to business.

3. There appears no reason why a longer holiday should be granted to Judicial Assistant Commissioners than to Officials, and I think also that it would be much more convenient, as it would be a less interruption to public business, if all the Civil Courts in the Province were together closed for a fixed period, and that the time should no longer be left to the discretion of the individual Judge.

4. I proposed that the vacation should be limited to one month, and called for opinion as to the most suitable period for closing the Courts. The replies show a fairly uniform opinion in favor of selecting April or May for the period of vacation: but it is represented that as Judicial Officers lose their privilege leave in consequence of the vacation, it is hard upon them to limit it to one month, to be taken at a fixed time

whether convenient or not.

5. Perhaps the period of vacation may be extended to six weeks in consideration of this representation: and I would recommend that the Civil Courts of the Province be closed for six weeks from the beginning of April to the middle of May, a power being given to the Judicial Commissioner to fix the exact dates of vacation by a Notification to be issued in the Gazette at the commencement of each year. This Notification would conveniently also include the other authorized holidays during the year.

6. The rule perhaps to which it will probably be necessary to obtain the sanction of the Government of India might be worded as follows:

"The Judicial Commissioner "shall prepare, and, with the previous "sanction of the Chief Commissioner, "shall publish in the official Gazette, "after the commencement of each "year a list of authorized Court holi- "days, including a fixed vacation

"of six weeks."

"Such days shall be accordingly observed as close holidays by all the Civil Courts in the Province.

I have the honor to be,
Sir,
Your most Obed.t Servant,

W Macleod
Judicial Commissioner

be for a period # between beginning of April and part of May. There must be no claim to privilege leave except where the J. C., or the is prevented having his vacation by Govt. — The J. C. should not by preference date in January of each year — but his notification need not embrace the general authorized holidays.

1.1.12 7/12

6.12.12

O. 3991.

1875. 99 242

From The Jud Commissioner of Mysore.

To Secretary to Chief Commissioner, General Department.

Dated 2nd December 1878

Despatched

Received

Enclosures No.

General No. 5045 of 1878-79.

No. 2068

Proposing an alteration in the period of adjournment allowed to the Jud Assistants and Munsiffs' Courts in the Province.

1. What is the best season for granting short annual leave of 1 month? I think there are strong reasons in favor of such a limitation where all the officers are natives.

I do not understand the 4th Section of Rule 8 of Appendix I. Has authority already exists for the grant of 2 months annually for Rep to 59 of 6 Appendix 71 and includes hunting season. The Jud Comm proposes to give

a Rep. annually may I suppose, but the Royal if including all other holidays / Rule fasts / Dussera / is not apparent

5/12

1. Taking into consideration that the annual recess is restricted to a particular period during the year and Mont - by availing himself of the recess the Judge or Mff forfeits privilege which he would otherwise entitled to take at any time he needs it, I think 6 weeks may be fixed as the period of adjournment with the usual proviso that if the Judge Munsiff or any of the Ministerial officers of the Ct are obliged to remain at their station and to carry on their work during the adjournment they will not forfeit their privilege leave. It is the more convenient I think to allow the adjournment to take place between 15th of March and 15th of June in each year - there may be adjournments sometimes later than 15th of June.

2. Sanction of India to the proposed adjournment seems necessary as it affects the leave rules - and the period of absence during adjournment counts towards Pension

3. A list of authorized holidays is given in the Mysore Calendar printed & issued annually with the Govt Gazette. The Special holidays during Xmas & Easter are notified in Gazette and I see no necessity for the Jud Comr issuing a separate notice as regards these holidays

BH 6/12/78

Submitted for orders

5/12

I quite agree with the views that the vacation may be for 6 weeks.

I concur with the J.C. in thinking it should

Proceedings of the Chief
Comp[t] of Inspection
Bangalore 13th Dec 1878

Read
Letter from the Inspecting
Comp[t] No 3045/268 of 2nd Dec[r]
1878, proposing to allow the
period of adjournment
allowed by the Civil Courts in
the Province -

SL

Order No 7569/156 of 13 Dec[r] 78

The Chief Comp[t] Concurs in
the Opinion expressed by the
Insp[g] Comp[t] that the privilege
of Closing the Courts for the
annual recess should not
exceed a period of sixty
weeks) Commencing from
the beginning of the third week
of May. It is
to be understood that, in
Consideration of the Concession
the Officers of the Courts so
Closed will forfeit all claim
to privilege leave, except

When

---

x x of the 2nd Assistant

x x as in the case of the
Courts of the Commissioners

---

and that the period
Embraced by the Acco
Must commence from
April, & such Allo
ance should be paid
annually by the
2nd Comm[r] on
Inspection to the Civil
Surgeon

When the Judicial Court or Tribunal is presented by letter publica Letters issue from Chancery Office of the Intelligencer

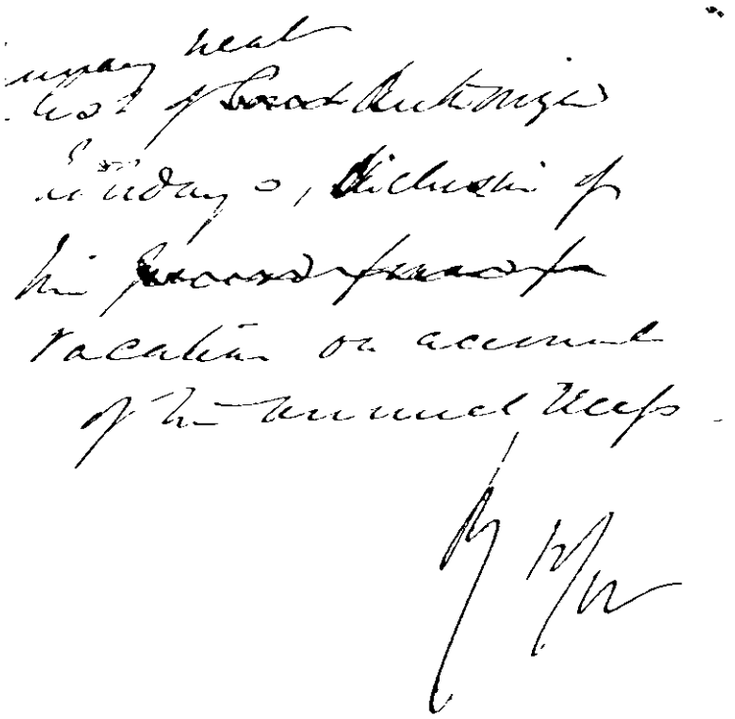
2 The precise date of the Vacation should be notified by the Judicial Court in the Local Gazette in the Month of January of each year, but the Inclusive terms of the General Authority hold days allowed to the Chief Court Inverness.

10/12/78 Secretary

Ch.

& The Judicial Court for the District of Inverness.

2. The Civil Court, a Sheriff's Court is held in Inverness for the Counties of Inverness, Nairn & Elgin, & Jurisdiction has Power to by public Duties imposed upon them & Specific Powers, and Receipts in such cases, no Claim of more than £ can in Civil Actions be brought before the Court of Session, which has Concurrent Jurisdiction in all Actions of Damages for Injuries to Person & Property, & in Actions of Declarator & Interdict, & in Actions of Count, Reckoning & Payment, & in Actions of Multiplepoinding, & in Actions of Ejection, & in Actions of Removing, & in Actions of Suspension & Liberation, & in Actions of Proving the Tenor of Writings lost or destroyed, & in Actions of Division & Sale of Common Property, & in Actions of Sale of Property under the Lands Clauses Consolidation (Scotland) Act 1845, & in Actions of Sale of Property under the Railways



Proceedings of the Chief Commr.
of Mysore,
Dated Bangalore 13th Dec 1878

Read.

Letter from the Judicial
Commissioner No. 3045/268 dated
2nd December 1878, proposing
to allow the period of
adjournment allowed to the
Civil Courts in the Province.

Order.

The Chief Commissioner
concurs in the opinion
expressed by the Judicial
Commissioner that the privilege
of closing the Courts of the
Judicial Assistants for the
Annual Recess should as in
the case of the Courts of the
Munsiffs not exceed a period
of six weeks, and that the
period of such Recess should
commence in April, at such
date as shall be fixed annually
by

by the Judicial Commissioner by a Notification in the local Gazette.

2. Judicial Assistants Commissioners and Munsiffs will be required to avail themselves of the period of recess thus granted, unless prevented from doing so by public duties imposed upon them on special grounds, and except for such cause, no claim to privilege leave in lieu of the loss of such recess, will be admitted.

3. Subject to the sanction of the Government of India, the Judicial Commissioner is requested to publish in January next a list of authorized holidays, inclusive of the vacation on account of the Annual recess.

I &c J. Sclater
Secretary

To The Judl Commr

1878 V.

Government of Victoria

Judicial

To

The Judicial Commr.

Dated 13th December

Despd

Recd

No 7569
156

26 Copies desp'd
1 To Aplte Secy
1 attached to Dupt
3 Reserve
31

P.L.
(2) Pay. 14-12-78
T.C.
C.S.L. 17

Concurring in the opinion that the privilege of closing the Courts of the Judicial Assts for the annual recess should as in the case of the Municipal Courts not exceed a period of six weeks & requesting that a list of authorized holidays inclusive of the vacation be published in January next -

Proceedings of the Chief Commissioner of Mysore, Judicial Department,
13th December 1878.

READ—

Letter from the Judicial Commissioner, No. 3045—268, dated 2nd December 1878, proposing to alter the period of adjournment allowed to the Civil Courts in the Province.

No. 7569—156, DATED BANGALORE, 13TH DECEMBER 1878.

ORDER.—The Chief Commissioner concurs in the opinion expressed by the Judicial Commissioner that the privilege of closing the Courts of the Judicial Assistants for the annual recess should, as in the case of the Courts of the Munsiffs, not exceed a period of six weeks, and that the period of such recess should commence in April, at such date as shall be fixed annually by the Judicial Commissioner by a Notification in the local Gazette.

2. Judicial Assistant Commissioners and Munsiffs will be required to avail themselves of the period of recess thus granted, unless prevented from doing so by public duties imposed upon them on special grounds, and except for such cause, no claim to privilege leave in lieu of the loss of such recess will be admitted.

3. Subject to the sanction of the Government of India, the Judicial Commissioner is requested to publish in January next a list of authorized holidays, inclusive of the vacation on account of the annual recess.

T. CLARKE,
Secretary.

To—The Judicial Commissioner. 25 [illegible] copies Resolution follow

26 copies deep
1 To Asstt Secy
1 attached to Dra
3 Reserve
31

182.

1878.

GOVERNMENT OF MYSORE.

JUDICIAL.

THE JUDICIAL COMMISSIONER.

Dated December 13th.

Despatched

Received

No. 7569
156.

Concurring in the opinion that the Assistants of closing the Courts of the Munsiffs' Courts should, as in the case of the Courts, not exceed a period of six weeks, and requesting that a list of authorized holidays, inclusive of the vacation, be published in January next.

...ore Government Press, Bangalore.—17-12-78.—50.

List of holidays as given in the Calendar for 1879 & the list of Court holidays submitted by the Just. Commr. with No 3396/316 dated 8 January 1879

Calendar for 1879.	Just. Commrs list.
1st to 3rd January Xmas holidays	1st to 4th - Suppressed one day per Mr.
4 January. Last day of Moharam - Mahomedan holiday	X Not noted per
13th and 14th Pongul Hindu holiday . .	noted .
19th February Sivaratri & akhari Charshumba Hindu & Mahomedan holiday	noted .
26th February Ash Wednesday . .	noted .
8th March Holi Feast Hindu holiday	noted .
28th March Gantu New years day Hindu holiday.	noted .
1st April. Srirammanavami Hindu holiday.	noted
10th to 22nd April Easter holidays . . .	noted as April 10th to 14th.

+ Incl. 18th & 19th Good Friday and Easter Holidays usually

Commence from the date of the day previous.

+ Just Comrs Circular No 4 dated 15 Jan 1879 directs Courts to close on Saturday 5th April for Easter holidays upto Tuesday 15th inclusive

April 15th to May 26th annual recess of six weeks

27th April (Sunday) Ramanujacharyar's Birth. day . . . . . not noted.

22nd May Ascension day
24th May Empress' Birth. day. } not noted as these holidays occur during the recess of the Courts.

2nd August. Sravani Avidu holiday } noted.

3rd August (Sunday) Bhabe Barat. Mahomedan holiday - not noted as no consequence

20th & 21st August Gauri & Ganesa - Avidu holidays . . . noted.

30th August. Ananta Chaturdasi - Avidu holiday . . . noted.

15th September Mahalaya Amavasya - Avidu holiday . . . . X noted as the 16th Septe + Aug 1 cancelled

18th September Ramzan Mahomedan holiday. not noted as no consequence

16th October. Commencement of Dasara - Avidu holiday . . . noted.

23rd & 24th October. Maha. navami and Vijaya Dasami. Hindu Holi. days. . . . . noted.

9th Nov. (Sunday) Prince of Wales' Birth day. . . . . noted.

13th & 14th Nov. Dipavali and Balipadyami — Hindu holidays. . noted.

24th & 25th Nov. Bakrid Mahomedan Holiday not noted

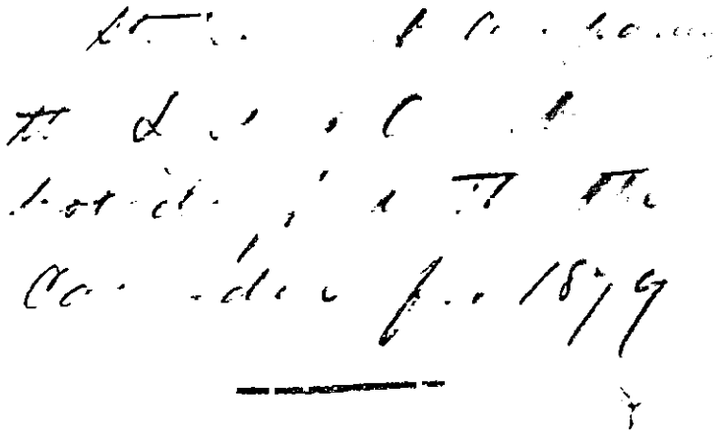
15th December. Commencement of Moharam Mahomedan holiday. not noted.

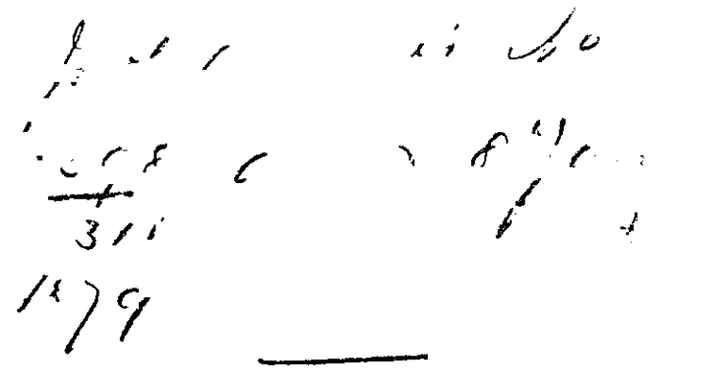
24th Dec. Last day of Moharam. Mahomedan holiday. . not noted.

Mahomedan holidays not compulsory for Europeans

25th Dec. to 31st December Christmas holidays. noted as from 24th Dec. to 31st Dec.

11/1/29





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1878/79 287.

From The Jud Commissioner of Mysore

To Secretary to Chief Commissioner, General Department.

Dated 8th January 1879

Despatched 9th " "

Received 10th " "

Enclosures No.

General No. 3398 } 1878—79.
No. 316

Reporting to the Chief Court Proceedings No. 7569 dated 23rd ultimo, forwarded for approval and for publication in the Mysore Gazette, Notification regarding the holidays to be observed by the Civil Courts in this Province during the year 1879

No 3398/316

Mysore Jud.l Com.rs Office
Bangalore 8th Jan.y 1879.

From.

J. D. Sandford Esquire
Judicial Commissioner
of Mysore.

No 563

To

The Secretary to the
Chief Commissioner
of Mysore.

Sir.

With reference to the Chief Commissioner's Proceedings No. 7569/156 of the 13th Ultimo, I have the honor to forward, for the Chief Commissioner's approval, and for publication in the Mysore Gazette, the accompanying Notification Regarding the Holidays to be observed by the Civil Courts in this Province during the year 1879.

I have the honor to be
Sir
Your Most obt Servant

J D Sandford
Judicial Commissioner

S P